

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DEVIN SEATS,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. 21-CV-1221-SMY
	)	
DANIEL MONTI,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**

**YANDLE, District Judge:**

Plaintiff Devin Seats filed this habeas corpus petition pursuant to 28 U.S.C. § 2554. The case is now before the Court for consideration of Seats’ Motion to Proceed *in Forma Pauperis* (“IFP”) on Appeal (Doc. 31).<sup>1</sup> The Court may permit a party to proceed on appeal without full pre-payment of fees provided the party is indigent and the appeal is taken in good faith. 28 U.S.C. § 1915(a)(1) & (3); FED. R. APP. P. 24(a)(3)(A). An appeal is taken in “good faith” if it seeks review of any issue that is not clearly frivolous, meaning that a reasonable person could suppose it to have at least some legal merit. *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000).

Seats provides necessary details regarding his financial condition and identifies the issues he intends to appeal. Based on that information, the Court finds that he is indigent and that his appeal is taken in good faith. Accordingly, his motion is **GRANTED**.

**IT IS SO ORDERED.**

**DATED: June 14, 2023**



**STACI M. YANDLE**  
**United States District Judge**

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<sup>1</sup> Seats remains represented by counsel, Richard Dvorak of the Dvorak Law Offices in Clarendon Hills, Illinois, who filed the petition but has not filed any documents since October 2021 and has not moved to withdraw. Although ordinarily representation by counsel and self-representation are mutually exclusive, this Court will nonetheless consider Seats’ motion as it involves his financial condition as a prisoner of the Illinois Department of Corrections.